

2007 Budget Narrative

AN OVERVIEW OF THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

The Monroe County District Attorney's Office is charged with prosecuting felony and misdemeanor crimes and violations perpetrated against the citizens of Monroe County. With a staff of over 70 attorneys, the DA's Office is one of the largest law firms in Monroe County. Based on caseload (Nearly 5,000 felony arraignments, and over 25,000 non-felony arraignments in 2005), the Monroe County District Attorney's Office ranks in the top ten offices in counties statewide.

The District Attorney is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. The work performed by the District Attorney's Office is mandated by state law. The First Assistant District Attorney is appointed by the District Attorney and is responsible for general office administration, as well as overseeing all homicide prosecutions, evaluating each incident to determine the best prosecution strategies to insure a conviction, and assigning a number of such cases to other experienced ADA's on staff based upon their individual strengths, and the intricacies of each case themselves.

The office is structured into a number of specialized bureaus, with each bureau overseen by a bureau chief.

MAJOR FELONY/GUN VIOLENCE BUREAU

Prosecutes career criminals and violent felony offense categories of robbery, burglary, assault, rape, and sexual abuse, cases involving the use of firearms in the commission of a felony. In addition, the Major Felony Bureau Chief also supervises the ADA's assigned to two sub-units (the Gun Bureau/Project EXILE Program, and the Arson Bureau, and beginning in 2004 shared supervision (with the Special Investigations Bureau Chief) of the Operation IMPACT Program (described below.)

The ADA's assigned to Project EXILE specialize in prosecuting felonies involving the illegal possession and sale of firearms, and work with the US Attorney's Office to prosecute some of these cases in Federal Court in order to obtain longer prison sentences than State Courts may allow.

SPECIAL INVESTIGATIONS BUREAU

Prosecutes all felony drug possession and sale cases, obtains court orders for wiretaps when required, and works with arresting agencies to seize the assets of convicted drug dealers. Also responsible for initiating the majority of the Asset Forfeiture cases in which the District Attorney's Office has a claim. In 2004, the Special Investigations Bureau Chief began sharing responsibility with the Major Felony Bureau Chief in supervising the prosecution component of the Operation IMPACT program, described below.

OPERATION IMPACT

Beginning in 2004, ADA's assigned to the Major Felony and Special Investigations units began working together with the Rochester Police Department, Monroe County Sheriff's Office, New York State Police, United States Attorney's Office, Probation Department, Parole Office, Mayor's Office and other agencies in a comprehensive effort to reduce homicides, street violence, and related drug trafficking. The implementation of this program involved restricting and eliminating plea bargaining on armed violent felonies, gun possession cases and drug dealers and instituting other changes to keep felons in custody while cases are pending. This initiative has resulted in a sharp increase in the number of violent felons receiving stiff state prison sentences for their crimes in 2005. ADA's funded through this program are assigned to the Major Felony/Gun Bureau, and the Special Investigations Bureau. The District Attorney's Office share of the funding for this program was increased over 25% in 2005 by the NYS Division of Criminal Justice Services.

DOMESTIC VIOLENCE BUREAU

Prosecutes all felony child abuse and domestic violence cases. ADA's assigned to this bureau also work closely with law enforcement, the Domestic Violence Consortium, and other interested community groups to prevent

and reduce the incidence of domestic violence. The Domestic Violence Bureau Chief also supervises the ADA assigned to Elder Abuse Unit in cases where the victim age 65 or older and has been subjected to abuse by a relative. The bureau has increased its use of evidence-based prosecution strategies in attacking domestic violence, which reduces the need for the eyewitness testimony of the often traumatized and intimidated victims and witnesses who are often involved in this type of crime.

DWI BUREAU

Prosecutes all defendants charged with felony DWI, vehicular assaults and homicides, and related cases (Aggravated Unlicensed Operation of a Vehicle 1st for example). In 2005, the combined conviction rate for both felony and misdemeanor DWI cases in Monroe County was 66%, the highest rate of any large county in New York.

FINANCIAL CRIMES, TECHNOLOGY AND NON-VIOLENT FELONY BUREAU

Financial Crime and Technology ADA's prosecute cases of major fraud (generally involving amounts of \$10,000 or more) on the part of individuals, businesses, or their employees. They also investigate and prosecute countywide check fraud schemes, all cases of felony insurance fraud, Welfare fraud, bank robberies not involving the use of firearms, and identity theft. Non-Violent Felony Bureau ADA's prosecute non-violent felony burglary cases, grand larceny, felony criminal mischief, and fraud cases not prosecuted by the other more specialized bureaus. A new sub-unit of this Bureau began targeting the twin problems of motor vehicle theft and auto insurance fraud through a grant from the State of New York beginning in 2004. Partially as a result of this effort, the New York State Division of Criminal Justice Services has reported a 30% decrease in the number of reported motor vehicle thefts in Monroe County in 2005 as compared to 2004. The Financial Crimes Bureau Chief also shares supervision of the Elder Abuse unit with the Domestic Violence Bureau Chief in prosecuting non-violent felonies with victims who are aged 65 and over.

In 2005, the District Attorney's Office received a new grant from the State of New York to create another a sub-unit of the Economic Crimes Bureau that would pursue the prosecution of those individuals and businesses who violate New York State income, sales, excise, and employment tax laws, with a goal of recovering lost revenue for the state's citizens. Two cases have so far been successfully prosecuted under this new Crimes against Revenue Program, resulting in restitution being ordered in the amount of \$140,000 from those convicted.

GRAND JURY BUREAU

Grand Jury administrative staff assists all felony attorneys in scheduling cases for Grand Jury presentation, and work with the Office of the Commissioner of Jurors to ensure the smooth operation of the several Grand Juries that are empanelled each court term in Monroe County. The ADA who supervises the bureau also advises prosecutors on presentation procedures and techniques, and coordinates the work of Grand Jury Stenographers, as well as personally presenting hundreds of cases to the Grand Jury each year.

LOCAL COURTS BUREAU

Prosecutes all misdemeanors and violations in city, town, and village courts, and handles traffic matters in the village and town courts. Those assigned to this Bureau staff eight City Court Parts, as well as Drug Court and the Integrated Domestic Violence Court, and the forty-six judges who preside over cases in the various town and village courts located in Monroe County. The ADA's assigned to the Local Court Bureau prosecuted over 25,000 misdemeanors and violations in 2005, as well as overseeing the majority of City Court felony arraignments.

APPEALS BUREAU

Responds to all appeals made in felony cases, and makes appellate motions on behalf of prosecutors assigned to the other bureaus. Also handles all fugitive matters, extradition cases, Federal Habeas Corpus requests, and Freedom of Information Act inquiries. Attorneys argue cases before all appellate courts, including the US Supreme Court. Appeals Bureau ADA's also work with and advise prosecutors during trial when legal issues arise which may effect the ultimate disposition of a case.

VICTIM WITNESS UNIT

Works with victims of serious felonies, helping them cope with the demands of the criminal justice system. Makes referrals to counseling, arranges rides to and from court, provides interpreters when needed, assists in preparation of victim impact statements, and in making referrals for assistance to the NYS Crime Victims Board. Staff also works with ADAs and Probation staff to obtain court orders for restitution for losses.

DISTRICT ATTORNEY INVESTIGATORS

Locates additional witnesses to enhance the prosecution of cases, interviews witness, transports victims and witnesses to court appearances. Also undertakes sealed investigations under the direction of ADAs, and provides assistance to other police and government agencies in arson and child support delinquency investigations. In 2005, investigators assigned to this unit served over 25,000 subpoenas involving witnesses in felony case prosecutions (including material witness orders), and helped to locate over 1,100 victims and witnesses

ADMINISTRATION/SUPPORT SERVICES

Manages DA budget, undertakes grant writing and grant management, oversees personnel procedures, provides all clerical support, data entry, and other support services as required.